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TO RUEHC/SECSTATE WASHDC IMMEDIATE 7617
INFO RUCNCIS/CIS COLLECTIVE PRIORITY
RUCNMCT/MCC THRESHOLD COLLECTIVE PRIORITY
RUEHAK/AMEMBASSY ANKARA PRIORITY 0600
RUEHBJ/AMEMBASSY BEIJING PRIORITY 1597
RUEHIL/AMEMBASSY ISLAMABAD PRIORITY 0456
RUEHBUL/AMEMBASSY KABUL PRIORITY 0230
RUEHNE/AMEMBASSY NEW DELHI PRIORITY 0157
RUEAIIA/CIA WASHDC PRIORITY
RHEFDIA/DIA WASHDC PRIORITY
RUEKJCS/JOINT STAFF WASHDC PRIORITY
RUMICEA/USCENTCOM INTEL CEN MACDILL AFB FL PRIORITY
RUEHNO/USMISSION USNATO BRUSSELS BE PRIORITY
RUEHVEN/USMISSION USOSCE PRIORITY 1988
RUCNDT/USMISSION USUN NEW YORK PRIORITY 1365
RUEKJCS/SECDEF WASHDC PRIORITY
RUEHBS/USEU BRUSSELS PRIORITY
RUEKJCS/OSD WASHDC PRIORITY
RUEHGV/USMISSION GENEVA PRIORITY 0242
RUEHUNV/USMISSION UNVIE VIENNA PRIORITY 0198

C O N F I D E N T I A L SECTION 01 OF 02 BISHKEK 000867

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E.O. 12958: DECL: 06/13/2016
TAGS: [PREF](#) [PGOV](#) [PREL](#) [PHUM](#) [UZ](#) [RU](#) [KG](#)
SUBJECT: SUPREME COURT DENIES ASYLUM TO FINAL UZBEK

REFUGEE; UNHCR FEARS DEPORTATION

REF: A. BISHKEK 642
[1](#)B. BISHKEK 624

Classified By: Charge d'Affaires Donald Lu, reasons 1.4 (b) and (d)

[1](#)1. (C) SUMMARY: On June 13, the Supreme Court upheld the decision of a lower court to deny refugee status to the last of the remaining four Uzbek refugees who have been in detention since summer 2005. The court decision brings to an end the asylum seekers' lengthy legal battle to remain in Kyrgyzstan. UNHCR Country Representative Carlos Zaccagnini told PolOff on June 13 he fears that the court decision will open the door to a Kyrgyz Government decision to refool the four refugees, although UNHCR does not think deportation is imminent. Zaccagnini told PolOff that UN Secretary General Kofi Annan will likely call President Bakiyev within the next few days to urge Bakiyev to turn the four refugees over the UNHCR for resettlement abroad. END SUMMARY.

SUPREME COURT DECISION OPENS DOOR TO DEPORTATION

[1](#)2. (SBU) On June 13, the Supreme Court upheld a lower court decision to deny refugee status to the final of four Uzbek refugees who have been in Kyrgyz custody since fleeing to Kyrgyzstan in May of 2005. The ruling means that the Kyrgyz Department of Migration Services' original decision to deny the four refugees asylum) a decision the four had challenged in the courts - will stand. The Supreme Court decision exhausted all legal recourse for the refugees.

[1](#)3. (C) UNHCR Country Representative Carlos Zaccagnini said the Court decision opens the door to a Kyrgyz Government decision to deport the four back to Uzbekistan. Zaccagnini said he was told by Kyrgyz Security Council Secretary Miroslav Niyazov that no decision would be taken on whether or not to deport the four until after the Supreme Court decides on the appeals of all four (reftel a). Zaccagnini said that with the appeals process finished, the Kyrgyz could

move quickly to refoul the four, but said any such decision in the coming days is unlikely.

14. (C) Zaccagnini said UNHCR had been expecting this decision by the Supreme Court, and that UN General Secretary Kofi Annan was on standby to place a call to President Bakiyev to urge him to turn the four refugees over the UNHCR for resettlement abroad. According to Zaccagnini, all four refugees have been offered refugee status by third countries (reftel a).

15. (C) COMMENT: The Supreme Court decision removes the final legal obstacle between the Uzbek refugees and deportation back to Uzbekistan. Nevertheless, a decision to refoul the four is unlikely in the very short term, given the fact that President Bakiyev and much of the rest of the government is heading to Shanghai for the June 14-15 SCO Summit and then off to Astana next week. Unless a decision has already been made to send the four back, President Bakiyev himself will likely have to decide their fate.

16. (C) COMMENT CONT'D: Unfortunately, there seem to be few, if any, senior officials in the Kyrgyz government willing to argue against refoulement. Both the Procurator General and Foreign Minister have in recent months openly advocated deporting the four, and UNHCR told the Embassy that Russian President Putin advocated sending back the four as a way of improving Kyrgyz-Uzbek relations (reftel b). Nevertheless, as has happened several times in the past, rapid action by the international community has been effective in preventing refoulement of other Uzbek refugees, and could well tip the balance this time around as well. This week, Post will press the Ministry of Foreign Affairs and Presidential

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Administration not to deport the four.
LU